



# House of Representatives

General Assembly

**File No. 731**

January Session, 2013

Substitute House Bill No. 6677

*House of Representatives, May 6, 2013*

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE IMPOSITION OF A COMMUNITY SERVICE REQUIREMENT UPON A MINOR WHO PURCHASES TOBACCO PRODUCTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 53-344 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2013*):

4 (c) Any person under eighteen years of age who purchases or  
5 misrepresents such person's age to purchase tobacco in any form or  
6 possesses tobacco in any form in any public place shall (1) be fined not  
7 more than [fifty] one hundred dollars for the first offense and not less  
8 than [fifty] one hundred dollars or more than one hundred fifty dollars  
9 for each subsequent offense, or (2) perform community service, as set  
10 forth in section 2 of this act, for a period of time not to exceed twenty  
11 hours. For purposes of this subsection, "public place" means any area  
12 that is used or held out for use by the public whether owned or  
13 operated by public or private interests.

14 Sec. 2. (NEW) (*Effective October 1, 2013*) (a) As used in this section,  
15 and subsection (c) of section 53-344 of the general statutes, as amended  
16 by this act:

17 (1) "Community service" means placement by the superior court for  
18 juvenile matters of a minor child, found to have violated the provisions  
19 of subsection (c) of section 53-344 of the general statutes, as amended  
20 by this act, in an unpaid position with a nonprofit or tax-supported  
21 agency for the performance of not more than twenty hours of work  
22 related to the promotion of public health.

23 (2) "Community service plan" means an agreement between the  
24 court and the parents or legal guardian of a minor child which  
25 specifies (A) the number of required community service hours to be  
26 performed by the minor child, (B) the agency where the community  
27 service is to be performed, (C) the period of time in which the  
28 community service shall be completed, (D) the tentative schedule for  
29 completion of the community service, (E) a brief description of the  
30 minor child's responsibilities, (F) conditions and sanctions for failure to  
31 fulfill the plan, and (G) the supervisor of the plan.

32 (3) "Court" means the superior court for juvenile matters.

33 (b) When requiring a minor child to perform community service, the  
34 court shall fix the terms and conditions of the community service,  
35 review the community service plan and, upon approval of such plan,  
36 order the minor child to complete the community service in  
37 accordance with such plan. No community service plan shall be  
38 approved by the court unless a parent or legal guardian of the minor  
39 child provides written consent to the terms and conditions of the plan.

40 (c) Any nonprofit or tax-supported agency administering  
41 community service shall review the terms and conditions of any  
42 community service plan being administered by such agency and shall  
43 provide written notification to the court when a minor child has  
44 successfully completed such plan. Such notification shall be provided  
45 to the court not later than thirty days after the date of completion of

46 the community service.

47 (d) In the event of a minor's noncompliance with the terms and  
48 conditions of a community service plan, the nonprofit or tax-supported  
49 agency administering the community service shall (1) prepare a  
50 written statement identifying the minor's acts of noncompliance, and  
51 (2) not later than thirty days after making a determination that the  
52 minor is noncompliant with the terms and conditions of the  
53 community service plan, provide such statement to the court along  
54 with a request that community service be terminated and the matter be  
55 returned to the court for further disposition.

56 Sec. 3. Subsection (b) of section 51-164n of the general statutes is  
57 repealed and the following is substituted in lieu thereof (*Effective*  
58 *October 1, 2013*):

59 (b) Notwithstanding any provision of the general statutes, any  
60 person who is alleged to have committed (1) a violation under the  
61 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
62 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-  
63 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,  
64 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
65 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
66 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
67 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
68 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
69 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
70 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
71 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
72 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b  
73 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
74 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
75 14-153 or 14-163b, a first violation as specified in subsection (f) of  
76 section 14-164i, section 14-219 as specified in subsection (e) of said  
77 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-  
78 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,

79 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)  
80 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-  
81 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of  
82 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,  
83 subsection (a) of section 15-115, section 16-44, 16-256, 16-256e, 16a-15 or  
84 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,  
85 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-  
86 734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or  
87 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-  
88 107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-  
89 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-  
90 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-  
91 324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39,  
92 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19,  
93 section 21a-21, subdivision (1) of subsection (b) of section 21a-25,  
94 section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-  
95 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section  
96 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,  
97 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15,  
98 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-  
99 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-  
100 111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-  
101 342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366,  
102 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of  
103 section 22a-250, subsection (e) of section 22a-256h, section 22a-363, 22a-  
104 381d, 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or  
105 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,  
106 subsection (a) of section 25-43, section 25-135, 26-18, 26-19, 26-21, 26-31,  
107 26-40, 26-40a, 26-42, 26-49, 26-54, 26-56, 26-58 or 26-59, subdivision (1)  
108 of subsection (d) of section 26-61, section 26-64, subdivision (1) of  
109 section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-  
110 104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141,  
111 subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-  
112 224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232,  
113 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294,

114 28-13, 29-6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a, subsection (b),  
 115 (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision  
 116 (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of  
 117 section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-  
 118 10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-  
 119 32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52,  
 120 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-  
 121 74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-  
 122 273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-  
 123 230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of  
 124 section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-  
 125 8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-  
 126 302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 [, 53-344] or 53-  
 127 450, or (2) a violation under the provisions of chapter 268, or (3) a  
 128 violation of any regulation adopted in accordance with the provisions  
 129 of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,  
 130 regulation or bylaw of any town, city or borough, except violations of  
 131 building codes and the health code, for which the penalty exceeds  
 132 ninety dollars but does not exceed two hundred fifty dollars, unless  
 133 such town, city or borough has established a payment and hearing  
 134 procedure for such violation pursuant to section 7-152c, shall follow  
 135 the procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	53-344(c)
Sec. 2	October 1, 2013	New section
Sec. 3	October 1, 2013	51-164n(b)

**JUD** Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Judicial Dept.	GF - Potential Revenue Gain	Up to \$5000	Up to \$5000

**Municipal Impact:** None

**Explanation**

The bill increases the penalty for minors who purchase tobacco products and results in a revenue gain to the Judicial Department of less than \$5,000. In FY 12, a total of 96 minors were fined a total of \$6,005. In addition, the bill allows the juvenile court to substitute community service in lieu of fines. To the extent that this occurs, this would decrease the total amount of fines collected.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Judicial Department Offenses and Revenue Database

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**OLR Bill Analysis****sHB 6677*****AN ACT CONCERNING THE IMPOSITION OF A COMMUNITY SERVICE REQUIREMENT UPON A MINOR WHO PURCHASES TOBACCO PRODUCTS.*****SUMMARY:**

This bill broadens the penalties that may be imposed on a minor who purchases tobacco products, misrepresents his or her age to purchase such products, or possesses them in public. The bill:

1. increases the maximum fine for a first offense from \$50 to \$100;
2. increases the fine for subsequent offenses from a minimum of \$50 and a maximum of \$100 to a minimum of \$100 and a maximum of \$150; and
3. authorizes the juvenile court to require up to 20 hours of community service instead of imposing fines.

The bill requires a court imposing community service for such a violation to (1) fix the terms and conditions of the community service plan, (2) review and approve the plan, and (3) order the minor to complete the plan. The plan must have the written consent of the minor's parent or legal guardian prior to the court's approval.

The bill also requires the nonprofit or tax-supported agency where the community service must be completed to notify the court in writing of completion or the minor's noncompliance.

Under current law, a person who is alleged to have committed this violation, as well as certain other tobacco-related violations, may mail the fine to the Centralized Infractions Bureau or pay online instead of appearing in court. The bill removes these violations from the list of

violations to which this procedure applies. The other violations affected by the bill include:

1. selling, giving, or delivering tobacco products to a minor;
2. using a transaction scan for reasons other than verifying a buyer's age;
3. recording or maintaining any information derived from the transaction scan, excluding name, date of birth, expiration, and number on the driver's license or identity card; and
4. disseminating information derived from a transaction scan to a third party, unless by court order.

Thus, the bill requires individuals charged with the above violations to appear in court.

EFFECTIVE DATE: October 1, 2013

## **COMMUNITY SERVICE REQUIREMENT**

### ***Community Service***

Under the bill, "community service" means a maximum of 20 hours of unpaid work that promotes public health at a nonprofit or tax-supported agency, as required by the court for a minor violating the tobacco-related provisions specified above.

### ***Community Service Plan***

The bill requires the court and the minor's parents or legal guardian to agree to the terms and conditions of the community service plan. The plan must specify:

1. the number of hours to be performed,
2. the agency where the community service will be done,
3. the time period in which the service must be completed,
4. the tentative schedule for completion,

5. a brief description of the minor's responsibilities under the plan,
6. conditions and sanctions for failure to fulfill the plan, and
7. the plan's supervisor.

**Reporting Requirements for the Administering Agency**

Under the bill, the nonprofit or tax-supported agency where the community service is to be performed must:

1. review the plan's terms and conditions, and
2. provide written notification to the court within 30 days of its successful completion, or
3. in the event of the minor's noncompliance with the plan, within 30 days of making that determination, submit (a) a written statement to the court identifying the acts of noncompliance and (b) a request that the matter return to the court for further disposition.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/19/2013)